

IV. REMARKS

1. Claims 1-5, 7, 11, 12-14, 16, 20, 22-26, 28-31, 35, 36, 38-40, 42-53, 58 and 59 are amended. Claims 27, 41, 54 and 55 are cancelled without prejudice. Claims 56 and 57 were previously cancelled. Claims 60-79 are new.

Claims 1-26, 28-40, 42-53 and 58-79 are now pending.

Applicant appreciates the Examiner's indication of allowable subject matter in claims 7-12, 31-36, 46 and 59. However, for the reasons discussed below, Applicant believes these claims to be allowable in their present form.

2. In the office action, correction was required of the specification to provide the headings set forth in Point 1 of the Action. This has been accomplished by amendment of the specification. Claim 1-4, 6, 13-29, 37-44, 47-55, and 58 were rejected under 35 U.S.C. 102 as being anticipated by Phillips (US 6,188,898), and Claim 5, 30 and 45 were rejected under 35 U.S.C. 103 as being unpatentable over Phillips in view of Kuriki (US 5,765,105) for reasons set forth in the Action.

3. The following argument is presented to show allowable subject matter in the rejected claims.

In the Office Action, the Examiner relies on Phillips as the primary reference, and believes that Phillips discloses the features of claim 1 and numerous ones of the other claims. It appears that the Examiner regards Phillips as disclosing information for identifying the wireless communication device to be stored in the wireless communication device. Furthermore, the Examiner argues that the mobile operating protocol can be interpreted as an information element for storing the information that identifies the wireless communication device, and also the information relating to the

"at least one property" of the wireless communication device. Applicant has amended claim 1 to recite an "information frame" in order to better describe the nature of the data structure that is formed in the memory of the wireless communication device. This is not disclosed or suggested by Phillips.

The Examiner's view that the data structure that Applicant is claiming is equivalent to a mobile operating protocol is incorrect. In support of the Examiner's position, the Examiner refers to element 13 in Fig. 1 of Phillips. However, the text of the reference which describes element 13 does not provide any teaching with respect to the identification of the wireless communication device. Also, the description is silent on the identification information. Phillips does not disclose any information element containing information that describes both the "at least one property" of the wireless communication device, as well as the identification of the wireless communication device. Accordingly, the position of the Examiner is traversed respectfully.

It is urged that the protocol supported by a mobile terminal can not identify the mobile terminal. The teaching of the protocol only indicates that the communication protocol can be used by the mobile communication network in communication with the mobile terminal. Normally, there are many mobile terminals communicating with a common mobile communications network. All of these mobile terminals support the same protocol, but they have different individual identities. In order for a protocol to identify a specific one of the mobile terminals, it would for example be necessary for each mobile terminal to employ a unique protocol. Clearly, this is not contemplated by Phillips.

Phillips teaches that the mobile communication network is adaptable to service mobile terminals having different operating protocols, such as protocols of DECT, PHS, GSM900 or

DCS1800 systems. These protocols are common to all of the mobile terminals of the same system. For example, there are many mobile terminals supporting the protocol of GSM900 systems. Therefore, it is impossible for the mobile communication network to identify the mobile terminal according to the protocol which the terminal supports.

Some of this argumentation appears in the prior responses. It is to be emphasized that, unlike the practice of the present invention, the protocol identification method of Phillips does not identify the mobile terminal. Furthermore, a combination of the teaching of Phillips with the teaching of Kuriki does not suggest the foregoing feature of the present invention which calls for both the "at least one property" of the wireless communication device, plus the identification of the wireless communication device.

Furthermore, it is noted that, upon analysis of the language of claim 1 and the succeeding dependent claims 2-5, there is a recital of a storing of information that identifies the wireless communication device as well as the storing of information relating to the at least one property of the wireless communication device. Furthermore, claim 1 states that the information is an information frame formed in the wireless communication device. Claims 2-3 recite that the information relating to the at least one property of the wireless communication device is transmitted to the communication network and, in claim 3, it is stated that this is done prior to a call being set up with the wireless communication device. In claim 4, it is noted that this information is used to determine whether a call is to be established, and in claim 5 it is stated that this information is used in connection with a handover.

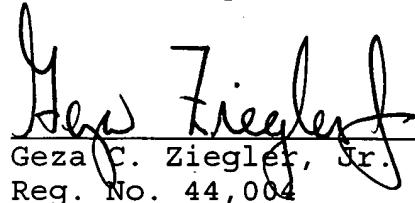
This is very different from the teaching of Phillips wherein an analysis is done of a signal received from a mobile station

to determine what protocol is being employed, after which, if possible, the network initiates operation with that protocol. No advance planning is possible with the system of Phillips because the information employed in the practice of the present invention is not available in the system of Phillips. This is an important distinction which is set forth in the first few claims of the present application, and which is described in subsequent ones of the claims of the present application. Therefore, it is urged that the cited art, considered individually or in combination, cannot anticipate or suggest the present invention or provide any motivation for construction of the present invention. New claim 60 is presented to emphasize the foregoing distinction between the invention and the cited art, and recites a step of transmitting the requisite information, wherein the transmitting step is accomplished during a registering of the presence of the wireless communication device in a location area of a chosen cell. This language of the claim is supported in the specification on page 17 at lines 13-19 and on page 18 at lines 5-26. Accordingly, it is believed that the Applicant has overcome the foregoing grounds of rejection to show that the rejected claims contain allowable subject matter.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved further issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$1,218.00 is enclosed for a three month extension of time and additional claim fees. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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2 July 2003
Date

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